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Case No.: MEDTR-001A
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis L. Brooks)	Art Unit: 3731
Serial No.: 10/029,553)	
Filed: December 20, 2001)	Examiner: Michael Thaler
For: Profiled Stent and Method of Manufacture)	
)	

**DECLARATION OF DENNIS L. BROOKS
PURSUANT TO 37 C.F.R. § 1.131**

I, Dennis L. Brooks, do hereby declare as follows:

1. I am an employee of Medtronic Vascular, Inc., the owner by assignment of the above-captioned United States Patent Application Serial No. 10/029,553. I have read and am familiar with the content of United States Patent Application Serial No. 10/029,553.

2. I have personal knowledge that, prior to February 14, 1996, Matthew J. Birdsall did in fact conceive of and build a number of swaged stents as described and claimed in United States Patent Application Serial No. 10/029,553. Prior to February 14, 1996 I personally examined at least some of those swaged stents and observed that those stents were formed of struts which, in transverse cross section, had substantially flat top sides, substantially flat bottom sides and substantially curved left and right sides.

I declare that all of the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that such statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of

Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or and patent issuing therefrom.

9/27/05

Date

Dennis L. Brooks

Dennis L. Brooks